

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

COMPLAINT

COMES NOW Plaintiff, John Trice, and for his causes of action against Defendant Liberty Mutual Fire Insurance Company states as follows:

1. Plaintiff John Trice resides in Norman, Oklahoma, and is a citizen of the state of Oklahoma.
2. Defendant Liberty Mutual Fire Insurance Company is a Wisconsin corporation with its principal place of business in the state of Massachusetts.
3. The matter in controversy exceeds, exclusive of interest, the sum of \$75,000.00.

This Court has jurisdiction over the subject matter and parties pursuant to 28 U.S.C. §1332. Venue is proper pursuant to 28 U.S.C. §1391.

4. Plaintiff was injured in an automobile accident on June 19, 2012.
5. Plaintiff submitted a claim to his automobile insurance company, Defendant Liberty Mutual Fire Insurance Company, for first party medical payments benefits.

6. Defendant issued payment(s) totaling \$5,000.00 under the medical payments provisions of its policy of insurance with Plaintiff. Thereafter, Defendant unlawfully attempted subrogation recovery of the medical payments benefits in direct violation of its policy of insurance and 36 O.S. §6092.

7. Demand has been made upon Defendant to withdraw its unlawful subrogation claim; however, Defendant has failed and refused.

8. Defendant breached its contract of insurance by unlawfully demanding subrogation and preventing Plaintiff from resolving his dispute with the party who caused the aforementioned accident, thereby causing injury and damage to Plaintiff.

9. Defendant breached its duty of good faith and fair dealing owed to Plaintiff.

10. Upon information and belief, Defendant has a pattern and practice of similar unlawful actions. Defendant's acts and omissions with regard to Plaintiff's claim were in reckless disregard of its obligations to its insured under the policy. Defendant acted intentionally and with malice. Defendant should be punished for engaging in this reckless, intentional and malicious conduct and to serve as an example to Defendant and others who might attempt the same type of conduct.

WHEREFORE, premises considered, Plaintiff John Trice prays for judgment against Defendant Liberty Mutual Fire Insurance Company in an amount in excess of \$75,000.00, together with all attorney's fees, interest and cost of this action. Additionally, Plaintiff prays for exemplary damages against Defendant and for such additional relief as this Court deems equitable and proper.

JURY TRIAL DEMANDED

/s/ Rodney D. Stewart

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